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October 30, 2008

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Commissioner for Patents
PO Box 1450
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Art Unit 1638

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 10/520,033; § 371 Date: December 30, 2004
For: **Transcription Factor Gene Induced by Water Deficit Conditions And
Abscisic Acid From Helianthus Annuus, Promoter and Transgenic
Plants**
Inventors: CHAN *et al.*
Our Ref: 2510.0040000/JAG/SAC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Credit Card Payment Form (PTO-2038) in the amount of \$180.00 to cover:
\$180.00 Fee for submission of an Information Disclosure Statement
Under 37 C.F.R. § 1.97(c);
2. Information Disclosure Statement Under 37 C.F.R. § 1.97(c);
3. Form PTO/SB/08a (1 sheet listing 2 documents (US1 and US2);
4. Form PTO/SB/08b (3 sheets listing 23 documents (NPL1-NPL23));
5. Copies of cited documents (NPL1-NPL23); and
6. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

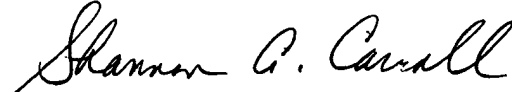
Commissioner for Patents
October 30, 2008
Page 2

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, reading "Shannon A. Carroll". The signature is written in a cursive, flowing style.

Shannon A. Carroll, Ph.D.
Attorney for Applicants
Registration No. 58,240

JAG/SAC/rjv
Enclosures

896545_1.DOC



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHAN *et al.*

Appl. No.: 10/520,033

Filed: December 30, 2004

For: **Transcription Factor Gene
Induced by Water Deficit
Conditions And Absciscic Acid
From Helianthus Annuus,
Promoter and Transgenic Plants**

Confirmation No.: 2792

Art Unit: 1638

Examiner: KUMAR, Vinod

Atty. Docket: 2510.0040000/JAG/SAC

**Information Disclosure Statement
Under 37 C.F.R. § 1.97(c)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on the accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the patentability of this application as defined in 37 C.F.R. §1.56, and in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.97 and 1.98.

Copies of documents **NPL1** to **NPL23** are submitted. However, copies of the U.S. patents cited on the attached Form PTO/SB/08A, documents **US1** and **US2**, are not submitted in accordance with 37 C.F.R. § 1.98(a)(2).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication

dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

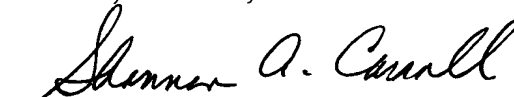
This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: October 30, 2008

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